

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
UNITED STATES OF AMERICA :

- v. - :

ALL RIGHT, TITLE, AND INTEREST IN
THE ASSETS OF CARTAGENA
INTERNATIONAL, INC.; ETC
INVESTMENT(S) S.A.; H.A.S.
INVESTMENT GROUP S.A.; CASTILLA
HOLDINGS S.A.; and HYSEVEN S.A.;
INCLUDING BUT NOT LIMITED TO THE
FUNDS IN THE ACCOUNTS LISTED IN
SCHEDULE A; :

ALL RIGHT, TITLE, AND INTEREST IN
THE FUNDS LISTED IN SCHEDULE B; and :

ALL RIGHT TITLE AND INTEREST IN
THE REAL PROPERTY AND
APPURTENANCES LISTED IN
SCHEDULE C; TOGETHER WITH ALL
IMPROVEMENTS AND
APPURTENANCES THERETO, :

Defendants-*in-rem*. :

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USDC SDNY
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ELECTRONICALLY FILED
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DATE FILED: 3/4/14

DEFAULT JUDGMENT IN
REGARD TO THE
ASSETS OF HYSEVEN

13 Civ. 3028 (WHP)

WHEREAS, on or about May 6, 2013, a verified complaint, 13 Civ. 3028 (WHP) (the "Complaint") was filed in the United States District Court for the Southern District of New York, pursuant to Title 18, United States Code, Sections 981(a)(1)(A) and 981(a)(1)(C), seeking the forfeiture of, among other properties, the following Defendants-*in-rem*:

- a. All assets of Hyseven S.A.;
- b. Account/IBAN Number CH8008779001499990014 at Rahn & Bodmer in Switzerland, held in the name of Hyseven S.A.;

- c. Account/IBAN Number CH5808779001499990022 at Rahn & Bodmer in Switzerland, held in the name of Hyseven S.A.;
- d. Account Number 1.499.990-707 at Rahn & Bodmer Co. in Switzerland; and
- e. The Account at Union Bancaire Privee in Switzerland held in the name of Hyseven S.A.;

(collectively, the “Hyseven Assets”);

WHEREAS, on or about May 13, 2013, notice of the Complaint was sent by certified mail, return receipt requested, to the following individuals notifying them that they (or their clients) may have an interest in this action and of their right to file a claim and answer and to contest the forfeiture of the Defendants-*in-rem* listed in the Complaint:

Tomas Alberto Clarke Bethancourt
c/o Henry P. Bell, Esq.
Henry P. Bell, P.A.
Miami, Florida

Maria De Los Angeles Gonzalez de Hernandez
c/o Jane W. Moscovitz, Esq.
Moscovitz & Moscovitz, P.A.
Miami, Florida

Jose Alejandro Hurtado
Miami, Florida

Haydee L. Pabon
Miami, Florida

Jose Alejandro Hurtado
c/o Frank A. Rubino, Esq.
Miami, Florida

WHEREAS, on or about May 21, 2013, notice of the Complaint was sent by certified mail, return receipt requested, to Jorge Hernandez in Aventura, Florida, notifying him that he may have an interest in this action and of his right to file a claim and answer and to contest the forfeiture of the Defendants-*in-rem* listed in the Complaint;

WHEREAS, on or about June 19, 2013, notice of the Complaint was sent by certified mail, return receipt requested, to Ernesto Lujan, c/o Michael Q. English, Esq., at Finn Dixon & Herling LLP, in Stamford, Connecticut, notifying his client may have an interest in this

action and of his right to file a claim and answer and to contest the forfeiture of the Defendants-*in-rem* listed in the Complaint;

WHEREAS, on or about July 2, 2013, notice of the Complaint was sent by electronic communication, to the individual identified as CC-1 in the Complaint notifying CC-1 that CC-1 may have an interest in this action and of CC-1's right to file a claim and answer and to contest the forfeiture of the Defendants-*in-rem* listed in the Complaint;

WHEREAS, the foregoing are the only individuals known by plaintiff United States of America to have a potential interest in the Defendants-*in-rem*;

WHEREAS, beginning on June 13, 2013, and for thirty consecutive days thereafter, pursuant to Rule G(4)(a) of the Supplemental Rules for Certain Admiralty and Maritime Claims and Asset Forfeiture Actions, the plaintiff United States of America posted notice of the Complaint against the Defendants-*in-rem* on www.forfeiture.gov, the government internet site, and proof of publication was filed with the Clerk of the Court on July 30, 2013;

WHEREAS, as set forth in Rule G(4)(a)(ii) and Rule G(5)(a)(ii), the notice of forfeiture specified the Defendants-*in-rem* and the intent of the United States to forfeit and dispose of the Defendants-*in-rem*, thereby notifying all third parties of their right to file a claim to adjudicate the validity of their alleged legal interest in the Defendants-*in-rem*, within sixty (60) days from the first day of publication of the notice on the official government internet site;

WHEREAS, no party or entity has filed a claim or an answer in this action with respect to the Hyseven Assets, and no party has appeared to contest the forfeiture of the Hyseven Assets to date, the requisite statutory time periods have expired as set forth in Rule G(5)(a)(ii) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, and the Clerk of this Court has entered a default herein of all parties with respect to the Hyseven Assets;

NOW THEREFORE, on the motion of Preet Bharara, United States Attorney for the Southern District of New York, attorney for the plaintiff United States of America, Carolina A. Fornos and Jason H. Cowley, Assistant United States Attorneys, of counsel;


IT IS HEREBY ORDERED that:

1. Plaintiff United States of America shall have judgment by default against the Hyseven Assets.
2. The Hyseven Assets shall be, and the same hereby is, forfeited to the plaintiff United States of America.
3. The United States Marshals Service shall dispose of the Hyseven Assets according to law.

Dated: New York, New York

March 4, 2014

SO ORDERED:


HONORABLE WILLIAM H. PAULEY III
UNITED STATES DISTRICT JUDGE